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## LCR 4. CIVIL CASE SCHEDULE

(a) **Case Schedule.** Except as otherwise provided in these rules or ordered by the Court, when an initial pleading is filed and a new civil case file is opened, the Clerk will prepare and file a scheduling order (referred to in these rules as a "Case Schedule"). When an initial pleading is filed electronically the Clerk will provide an electronic copy to the party filing the initial pleading. When an initial pleading is filed in paper form the Clerk will provide two copies to the party filing the initial pleading.

(b) **Cases not governed by a Case Schedule.** Unless otherwise ordered by the Court, the following cases will not be issued a Case Schedule on filing:

- (1) Change of name;
- (2) Domestic violence protection (RCW chapter 26.50);
- (3) Anti-harassment protection (RCW chapter 10.14);
- (4) Uniform Reciprocal Enforcement of Support Act (URES) and Uniform Interstate Family Support Act (UIFSA). See LFLR 5;
- ~~(5) Small Claims Appeals;~~
- ~~(56) Unlawful detainer;~~
- ~~(67) Foreign judgment;~~
- ~~(78) Abstract or transcript of judgment;~~
- ~~(89) Petition for Writ of Habeas Corpus, Mandamus, Restitution, or Review, or any other Writ;~~
- ~~(940) Civil commitment;~~
- ~~(104) Proceedings under RCW chapter 10.77;~~
- ~~(112) Proceedings under RCW chapter 70.96A;~~
- ~~(123) Proceedings for isolation and quarantine;~~
- ~~(134) Vulnerable adult protection (RCW 74.34);~~
- ~~(145) Proceedings referred to referee under RCW 4.48. See LCR 53.1;~~
- (15) Adoptions;
- (16) Sexual Assault protection (RCW 7.90)
- (17) Emancipation of a Minor. See LFLR 18;
- (18) Probate and TEDRA Matters with the exception of Will Contests;
- (19) Marriage Age Waiver Petitions. See LFLR 19;
- (20) Receivership Proceedings (filed as an independent action and not under an existing proceeding);
- (21) Work Permits;
- (22) Small Claims Appeals;
- (23) Petition to Approve Minor/Incapacitated Adult Settlement (when filed as an independent action and not under an existing proceeding).

(c) **Service of Case Schedule on Other Parties.**

(1) The party filing the initial pleading shall promptly provide a copy of the Case Schedule to all other parties by (a) serving a copy of the Case Schedule on the other parties along with the initial pleading, or (b) serving the Case Schedule on the other parties within 10 days after the later of the filing of the initial pleading or service of any response to the initial pleading, whether that response is a notice of appearance, an answer, or a CR 12 motion. The Case Schedule may be served by regular mail, or electronically when the party being served has

agreed to accept electronic service pursuant to GR30.2 (d), with proof of service to be filed promptly in the form required by CR 5.

(2) A party who joins an additional party in an action shall serve the additional party with the current Case Schedule together with the first pleading served on the additional party.

**(d) Amendment of Case Schedule.** The Court, either on motion of a party or on its own initiative, may modify any date in the Case Schedule for good cause, except that the trial date may be changed only as provided in LR 40(e). If a party by motion requests an amendment of the Case Schedule, that party shall prepare and present to the Court for signature an Amended Case Schedule, which upon approval of the Court shall be promptly filed and served on all other parties. The motion shall include a proposed Amended Case Schedule. If a Case Schedule is modified on the Court's own motion, the Court will prepare and file the Amended Case Schedule and promptly issue it to all parties. Parties may not amend a Case Schedule by stipulation without approval of the assigned Judge, except as provided below:-

(1) The Deadline for Disclosure of Possible Primary Witnesses and/or the deadline for Disclosure of Additional Witnesses (LCR26 (b)) may be extended by written stipulation of all parties without the necessity of a court order for an additional period not to exceed 14 days without first applying for approval of the assigned judge, provided that the stipulation contains the following provision: "No party may assert this delay in the Disclosure of Witnesses as a basis for a continuance of the established trial date".

(2) The Discovery Cutoff (LCR 37(g)) may be extended by written stipulation of all parties without the necessity of a court order for an additional period not to exceed 14 days without first applying for approval of the assigned judge, provided that the stipulation contains the following provision: "No party may assert this extension of the Discovery Cutoff as a basis for a continuance of the established trial date".

**(e) Form of Case Schedule.**

(1) Case Schedule. A Case Schedule for each type of case, which will set the time period between filing and trial and the scheduled events and deadlines for that type of case, will be established by the Court by General Order, based upon relevant factors including statutory priorities, resources available to the Court, case filings, and the interests of justice.

(2) A Case Schedule, which will be customized for each type of case, will be in generally the following form:

Filing:	0
Confirmation of Joinder (LCR 4.2(a) for civil cases); or	F+23
<u>Confirmation of Issues (LFLR 4(c) for dissolution and modification cases); or</u>	<u>F+16</u>
<u>Confirmation of Completion of Genetic Testing (LFLR 4(d) for paternity cases):</u>	<u>F+34</u>
Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing (LMAR 2.1):	F+23
Status Conference, if needed (Domestic Relations cases only-see LFLR 4(e)):	F+ <del>25</del> <u>20</u>
Disclosure of Possible Primary Witnesses (LCR 26(b)):	T-22
Disclosure of Possible Additional Witnesses (LCR 26(b)):	T-16
Final Date to Change Trial and to File Jury Demand (non-family law civil cases)(LCR <del>40(b)(3)</del> , 38(b)(2)):	T-14
Discovery Cutoff (LCR 37(g)):	T-7

Deadline for Engaging in Alternative Dispute Resolution:	T-4
Deadline for filing "Joint Confirmation Regarding Trial Readiness" (LCR 16):	T-3
Exchange of Witness and Exhibit Lists and Documentary Exhibits(LCR 4(j)):	T-3
Deadline for Hearing Dispositive Pretrial Motions (LCR 56, CR 56):	T-2
Deadline for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions:	T-1
Joint Statement of Evidence (LCR 4(k)):	T-1
Trial:	T

~~It is~~ **IT IS** ORDERED that all parties shall comply with the foregoing schedule and that sanctions, including but not limited to those set forth in CR 37, may be imposed for noncompliance. **IT IS** ~~It is~~ FURTHER ORDERED that the party filing this action must serve this Order Setting Case Schedule on all other parties.

Dated: \_\_\_\_\_  
Judge

I understand that a copy of this document must be given to all parties: \_\_\_\_\_  
 (Signature)

Note: a number in the right column preceded by an "F" refers to the number of weeks after filing; a number in the right column preceded by a "T" refers to the number of weeks before trial.

**(f) Monitoring.** At such times as the Presiding Judge may direct, the Clerk will monitor cases to determine compliance with these rules.

**(g) Enforcement; Sanctions; Dismissal; Terms.**

(1) Failure to comply with the Case Schedule may be grounds for imposition of sanctions, including dismissal, or terms.

(2) The Court, on its own initiative or on motion of a party, may order an attorney or party to show cause why sanctions or terms should not be imposed for failure to comply with the Case Schedule established by these rules.

(3) If the Court finds that an attorney or party has failed to comply with the Case Schedule and has no reasonable excuse, the Court may order the attorney or party to pay monetary sanctions to the Court, or terms to any other party who has incurred expense as a result of the failure to comply, or both; in addition, the Court may impose such other sanctions as justice requires.

(4) As used with respect to the Case Schedule, "terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; the term "monetary sanctions" means a financial penalty payable to the Court; the term "other sanctions" includes but is not limited to the exclusion of evidence.

**(h) Failure to Follow Schedule.** The court may enter an order of dismissal without prejudice and without further notice for failure to attend a status conference required by these rules as designated on the Case Schedule or to appear in response to the order to show cause

issued for failure to appear for a status conference. In family law cases where the parties have agreed upon a final disposition, the dismissal may be set aside by an Ex Parte Commissioner.

**(i) *Failure to Appear on Scheduled Trial Date***

(1) The failure of a party seeking affirmative relief or asserting an affirmative defense to appear for trial on the scheduled trial date will result in dismissal of the claims or affirmative defenses without further notice.

(2) If the party against whom claims are asserted fails to appear, the party seeking relief must proceed with the trial on the record. Unless final orders are entered at the time of trial, the party shall file their proposed final documents within thirty days of the trial decision.

**(j) *Exchange of Witness and Exhibit Lists.*** In cases governed by a Case Schedule pursuant to LCR 4, the parties shall exchange, no later than 21 days before the scheduled trial date: (A) lists of the witnesses whom each party expects to call at trial; (B) lists of the exhibits that each party expects to offer at trial, except for exhibits to be used only for impeachment; and (C) copies of all documentary exhibits, except for those to be used only for illustrative purposes. In addition, non-documentary exhibits, except for those to be used only for illustrative purposes, shall be made available for inspection by all other parties no later than 14 days before trial. Any witness or exhibit not listed may not be used at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires. See LCR 26 (witness disclosure requirements.)

**(k) *Joint Statement of Evidence.*** In cases governed by a Case Schedule pursuant to LCR 4 the parties shall file, no later than 5 court days before the scheduled trial date, a Joint Statement of Evidence, so entitled, containing (A) a list of the witnesses whom each party expects to call at trial and (B) a list of the exhibits that each party expects to offer at trial. The Joint Statement of Evidence shall contain a notation for each exhibit as to whether all parties agree as to the exhibit's authenticity or admissibility.

**(l) *Non-dispositive Pretrial Motions.*** All non-dispositive pretrial motions and supporting materials, including but not limited to motions to exclude evidence, shall be served and filed pursuant to the requirements of LCR 7(b). Responsive documents shall also be served and filed pursuant to the requirements of LCR 7(b). In addition, working copies of all motion documents shall be provided pursuant to the requirements of LCR 7(b).

**(m) *Trial Briefs, Proposed Findings of Fact and Conclusions of Law, and Jury Instructions.*** Except as otherwise ordered by the Court, parties shall serve copies of the trial brief or memorandum of authorities, proposed findings of fact and conclusions of law in non-jury cases, and proposed jury instructions for jury cases, upon opposing parties, with a working copy submitted to the assigned Judge, no later than five court days before the scheduled trial date.

**Official Comment**

1. Time Standards. The Court has adopted the following time standards for the timely disposition of cases. In view of the backlog of cases and the scarcity of judicial resources, it may take some time before these standards can be met.

(a) General Civil. Ninety percent of all civil cases should be settled, tried, or otherwise concluded within 12 months of the date of case filing; 98 percent within 18 months of filing; and the remainder within 24 months of filing, except for individual cases in which the Court determines that exceptional circumstances exist and for which a continuing review should occur.

(b) Summary Civil. Proceedings using summary hearing procedures, such as those landlord-tenant and replevin actions not requiring full trials, should be concluded within 30 days of filing.

(c) Family Law. Ninety percent of all family law matters should be settled, tried, or otherwise

concluded within nine months of the date of case filing, with custody cases given priority; 98 percent within 12 months and 100 percent within 15 months, except for individual cases in which the Court determines that exceptional circumstances exist and for which a continuing review should occur.

(d) Criminal and Juvenile. Criminal and juvenile cases should be heard within the times prescribed by CrR 3.3 or ~~CrRLJ~~JuCR 7.8.

2. Case Schedule. The term "plaintiff" throughout these rules is intended to include a "petitioner" if that is the correct term for the party initiating the action.

If there is more than one plaintiff, it is the responsibility of each plaintiff to see that the Case Schedule is properly served upon each defendant. This does not mean that multiple copies of the Case Schedule must be served upon each defendant, only that every plaintiff will be held accountable for a failure to serve a copy of the Case Schedule upon a defendant. Multiple plaintiffs should decide among themselves who will serve the Case Schedule upon each defendant.

3. Attorneys and parties are expected to exercise good faith in complying with this rule – for example, by not listing a witness or exhibit that the attorney or party does not actually expect to use at trial.

4. A party wishing to present the testimony of a witness who has been listed by another party may not rely on the listing party to obtain the witness's attendance at trial. Instead, a subpoena should be served on the witness, unless the party is willing to risk the witness's failure to appear.

       5. All witnesses must be listed, including those whom a party plans to call as a rebuttal witness. The only exception is for witnesses the need for whose testimony cannot reasonably be anticipated before trial; such witnesses obviously cannot be listed ahead of time.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 1993; September 1, 1996; September 1, 2001; September 1, 2002; September 1, 2003; September 1, 2004; September 1, 2008; June 1, 2009; September 1, 2010, December 1, 2010, March 1, 2011, June 1, 2011, September 1, 2011, September 1, 2012.]

## LCR 7. CIVIL MOTIONS

### **(b) *Motions and Other Documents.***

(1) **Scope of Rules.** Except when specifically provided in another rule, this rule governs all motions in civil cases. See, for example, LCR 26, LCR 40, LCR 56, and the LFLR's.

(2) **Hearing Times and Places.** Hearing times and places will also be available from the Clerk's Office/Department of Judicial Administration (E609 King County Courthouse, Seattle, WA 98104 or 401 Fourth Avenue North, Room 2C, Maleng Regional Justice Center, Kent WA 98032; or for Juvenile Court at 1211 East Alder, Room 307, Seattle, WA 98122) by telephone at (206) 296-9300 or by accessing <http://www.kingcounty.gov/courts/clerk>. Schedules for all regular calendars (family law motions, ex parte, chief civil, etc.) will be available at the information desk in the King County Courthouse and the Court Administration Office in Room 2D of the Regional Justice Center.

(3) **Argument.** All nondispositive motions and motions for orders of default and default judgment shall be ruled on without oral argument, except for the following:

(A) Motions for revision of Commissioners' rulings, other than rulings regarding involuntary commitment and Title 13 proceedings;

(B) Motions for temporary restraining orders and preliminary injunctions;

(C) Family Law motions under LFLR 5;

(D) Motions to be presented in person to the Ex Parte and Probate Department pursuant to the Ex Parte and Probate Department Presentation of Motions and Hearings Manual ("Motions and Hearings Manual") issued by the Clerk;

(E) Motions for which the Court allows oral argument.

### **(4) *Dates of Filing, Hearing and Consideration.***

(A) **Filing and Scheduling of Motion.** The moving party shall serve and file all motion documents no later than six court days before the date the party wishes the motion to be considered. A motion must be scheduled by a party for hearing on a judicial day. For cases assigned to a judge, if the motion is set for oral argument on a non-judicial day, the moving party must reschedule it with the judge's staff; for motions without oral argument, the assigned judge will consider the motion on the next judicial day.

(B) **Scheduling Oral Argument on Dispositive Motions.** The time and date for hearing shall be scheduled in advance by contacting the staff of the hearing judge.

(C) **Oral Argument Requested on All Other Motions.** Any party may request oral argument by placing "ORAL ARGUMENT REQUESTED" prominently on the ~~of the~~ first page of the motion or opposition.

(D) **Opposing Documents.** Any party opposing a motion shall file and serve the original responsive papers in opposition to a motion, serve copies on parties, and deliver working copies to the hearing judge no later than 12:00 noon two court days before the date the motion is to be considered. Working copies shall be submitted pursuant to the requirements in this rule.

(E) **Reply.** Any documents in strict reply shall be similarly filed and served no later than 12:00 noon on the court day before the hearing.

(F) **Working Copies.** Working copies of the motion and all documents in support or opposition shall be delivered to the hearing judge, commissioner, or appropriate judicial department no later than on the day they are to be served on all parties. Working copies shall be submitted as follows:

**(i) Electronic Submission of Working Copies.** Judges' working copies of an e-filed motion and all documents in support or opposition may be electronically submitted using the Clerk's eFiling application. The Clerk may assess a fee for the electronic submission of working copies.

**(ii) E-Filed Documents For Which Working Copies Shall Not Be Electronically Submitted.** Judges' working copies shall not be electronically submitted for any document of 500 pages or more in length or for any documents filed in paper form. These working copies must be submitted in paper form pursuant to the requirements in this rule.

**(iii) Delivery of Working Copies in Paper Form.** The upper right corner of all judges' working copies submitted in paper form shall be marked "working copies" and note the date of consideration or hearing, the name of the hearing judge or commissioner or the name of the calendar on which the motion is to be heard, by whom the documents are being presented ("moving party," "opposing party," or other descriptive or identifying term), and shall be delivered to the judges' mailroom or appropriate department in the courthouse in which the judge or commissioner is located.

**(G) Terms.** Any material offered at a time later than required by this rule, and any reply material which is not in strict reply, will not be considered by the court over objection of counsel except upon the imposition of appropriate terms, unless the court orders otherwise.

**(H) Confirmation and Cancellation.** Confirmation is not necessary, but if the motion is stricken, the parties shall immediately notify the opposing parties and notify the staff of the hearing judge.

**(5) Form of Motion and Responsive Pleadings.**

**(A) Note for Motion.** A Note for Motion shall be filed with the motion. The Note shall identify the moving party, the title of the motion, the name of the hearing judge, the trial date, the date for hearing, and the time of the hearing if it is a motion for which oral argument will be held. A Note for Motion form is available from the Clerk's Office.

**(B) Form of Motion and of Responsive Pleadings.** The motion shall be combined with the memorandum of authorities into a single document, and shall conform to the following format:

**(i) Relief Requested.** The specific relief the court is requested to grant or deny.

**(ii) Statement of Facts.** A succinct statement of the facts contended to be material.

**(iii) Statement of Issues.** A concise statement of the issue or issues of law upon which the Court is requested to rule.

**(iv) Evidence Relied Upon.** The evidence on which the motion or opposition is based must be specified with particularity. Deposition testimony, discovery pleadings, and documentary evidence relied upon must be quoted verbatim or a photocopy of relevant pages must be attached to an affidavit identifying the documents. Parties should highlight those parts upon which they place substantial reliance. Copies of cases shall not be attached to original pleadings. Responsive pleadings shall conform to this format.

**(v) Authority.** Any legal authority relied upon must be cited. Copies of all cited non-Washington authorities upon which parties place substantial reliance shall be provided to the hearing Judge and to counsel or parties, but shall not be filed with the Clerk.

**(vi) Page Limits.** The initial motion and opposing memorandum

shall not exceed 12 pages without authority of the court; reply memoranda shall not exceed five pages without the authority of the court.

**(C) Form of Proposed Orders; Mailing Envelopes.** The moving party and any party opposing the motion shall attach a proposed order to the working copies of their documents. The original of each proposed order shall be submitted to the hearing judge but shall not be filed with the Clerk. For motions without oral argument for which working copies are submitted in paper form, the moving party shall also provide the court with pre-addressed stamped envelopes addressed to each party/counsel. Envelopes are not necessary when submitting working copies electronically via the Clerk's eFiling Application system. However, parties are required to include addresses for each party/counsel on the distribution list tab within the eWorking copies component.

**(D) Presentation by Mail.** With respect only to those matters that must be presented to the assigned judge, the Chief Civil Judge, the chief judge of the Maleng Regional Justice Center or the Chief Judge of the Unified Family Court Department, parties may present agreed orders and ex parte orders based upon the record in the file by mail, addressed to the court. When signed, the judge/commissioner will file such order with the Clerk. For agreed orders presented in paper form, an addressed stamped envelope shall be provided for return of any conformed materials.

**(6) Motions to Reconsider.** See LCR 59.

**(7) Reopening Motions.** No party shall remake the same motion to a different judge without showing by affidavit what motion was previously made, when and to which judge, what the order or decision was, and any new facts or other circumstances that would justify seeking a different ruling from another judge.

**(8) Motions for Revision of a Commissioner's Order.** For all cases except juvenile and mental illness-involuntary treatment proceedings:

**(A)** A motion for revision of a commissioner's order shall be served and filed within 10 days of entry of the written order, as provided in RCW 2.24.050, along with a written notice of hearing that gives the other parties at least six days notice of the time, date and place of the hearing on the motion for revision. The motion shall identify the error claimed.

**(B)** A hearing on a motion for revision of a commissioner's order shall be scheduled within 21 days of entry of the commissioner's order, unless the assigned Judge or, for unassigned cases, the Chief Civil Judge, orders otherwise.

**(i)** For cases assigned to an individual Judge, the time and date for the hearing shall be scheduled in advance with the staff of the assigned Judge.

**(ii)** For cases not assigned to an individual Judge, the hearing shall be scheduled by the Chief Civil Department for Seattle case assignment area cases. For Kent case assignment area cases, the hearing shall be scheduled by the Maleng Regional Justice Center Chief Judge. For family law cases involving children the hearing shall be scheduled by the Chief Unified Family Court Judge.

**(iii)** All motions for revision of a commissioner's order shall be based on the written materials and evidence submitted to the commissioner, including documents and pleadings in the court file. The moving party shall provide the assigned judge a working copy of all materials submitted to the commissioner in support of and in opposition to the motion, as well as a copy of the electronic recording, if the motion before the commissioner was recorded. Oral arguments on motions to revise shall be limited to 10 minutes per side. Working copies shall be submitted pursuant to the requirements of LCR 7(b).

(iv) The commissioner's written order shall remain in effect pending the hearing on revision unless ordered otherwise by the assigned Judge, or, for unassigned cases, the Chief Judge.

(v) The party seeking revision shall, at least 5 days before the hearing, deliver to the assigned judge or Chief Judge working copies of the motion, notice of hearing, and copies of all documents submitted by all parties to the commissioner, pursuant to LCR 7(b).

(vi) For cases in which a timely motion for reconsideration of the commissioner's order has been filed, the time for filing a motion for revision of the commissioner's order shall commence on the date of the filing of the commissioner's written order of judgment on reconsideration.

**(9) Motion for Order to Show Cause.** Motions for Order to Show Cause shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. For cases where the return on the order to show cause is before the hearing judge, the moving party shall obtain a date for such hearing from the staff of the assigned judge before presenting the motion to the Ex Parte and Probate Department.

**(10) Motion Shortening Time.**

(A) The time for notice and hearing of a motion may be shortened only for good cause upon written application to the court in conformance with this rule.

(B) A motion for order shortening time may not be incorporated into any other pleading.

(C) As soon as the moving party is aware that he or she will be seeking an order shortening time, that party must contact the opposing party to give notice in the form most likely to result in actual notice of the pending motion to shorten time. The declaration in support of the motion must indicate what efforts have been made to notify the other side.

(D) Except for emergency situations, the court will not rule on a motion to shorten time until the close of the next business day following filing of the motion (and service of the motion on the opposing party) to permit the opposing party to file a response.

If the moving party asserts that exigent circumstances make it impossible to comply with this requirement, the moving party shall contact the bailiff of the judge assigned the case for trial to arrange for a conference call, so that the opposing party may respond orally and the court can make an immediate decision.

(E) Proposed agreed orders to shorten time: if the parties agree to a briefing schedule on motion to be heard on shortened time, the order may be presented by way of a proposed stipulated order, which may be granted, denied or modified at the discretion of the court.

(F) The court may deny or grant the motion and impose such conditions as the court deems reasonable. All other rules pertaining to confirmation, notice and working papers for the hearing on the motion for which time was shortened remain in effect, except to the extent that they are specifically dispensed with by the court.

**(11) Motion for Stay of Proceedings.**

(A) Motions for stay of proceedings shall be heard by the individual judge assigned or if not assigned by the Chief Civil Judge, Chief Judge of the Maleng Regional Justice Center or Chief Unified Family Court Judge. The order staying proceedings shall indicate a future date by which the case status will be reviewed.

[Amended effective September 1, 1984; May 1, 1988; September 1, 1992; September 1, 1993; September 1, 1994, March 1, 1996; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2006; September 1, 2007; September 1, 2008; January 1, 2009; June 1, 2009, September 1, 2011, [September 1, 2012](#).]

## **LCR 12. Preliminary Hearings**

**(d.) Motions under CR 12(b) shall be subject to the page limitations and scheduling requirements of CR 56 and LCR 56.**

**Adopted effective September 1, 2012**

## LCR 16. PRETRIAL DEADLINES AND PROCEDURES

### **(a) *Pretrial Procedures- Civil Cases and Family Law Cases Not Involving Children.***

**(1) Mandatory Joint Confirmation of Trial Readiness.** Parties shall complete a Joint Confirmation of Trial Readiness form, file it with the clerk, and provide a working copy to the assigned judge by the deadline on the case schedule. Failure to complete and file the form by the deadline may result in sanctions, including possible dismissal of this case. The Joint Confirmation of Trial Readiness Report shall include, at minimum:

- (A) Type of trial and estimated trial length;
- (B) Trial week attorney conflicts;
- (C) Interpreter needs;
- (D) To what extent alternative dispute resolution has been used in the

case;

(E) Any other factors to assist the court to bring about a just, speedy, and economical resolution of the matter.

### **(b) *Alternative Dispute Resolution (ADR) – All cases.*** See also LCR 4.

**(1) Court Order.** Unless excused by an order signed by the judge to whom a case is assigned, or a family law commissioner in the case of a family law matter, the parties in every case shall participate in a settlement conference or other alternative dispute resolution process conducted by a neutral third party no later than 28 days before trial.

#### **(2) Preparation for Conference.**

**(A) Attendance and Preparation Required.** The attorney in charge of each party's case shall personally attend all alternative resolution proceedings and shall come prepared to discuss in detail and in good faith the following:

- (i) All liability issues.
- (ii) All items of special damages or property damage.
- (iii) The degree, nature and duration of any claimed disability.
- (iv) General damages.
- (v) Explanation of position on settlement.

#### **(B) Family Law Cases--Requirements.** See LFLR 16.

#### **(3) Parties to Be Available.**

**(A) Presence in Person.** The parties shall personally attend all alternative resolution processes, unless excused, in advance, by the person conducting the proceeding.

**(B) Representative of Insurer.** Parties whose defense is provided by a liability insurance company need not personally attend the settlement conference or other dispute resolution process, but a representative of the insurer of said parties, if such a representative is available in King County, shall attend in person with sufficient authority to bind the insurer to a settlement. If the representative is not available in King County, the representative shall be available by telephone at the parties' expense.

**(4) Failure to Attend.** Failure to attend the dispute resolution procedure in accordance with paragraphs (A) and (B) above may result in the imposition of terms and sanctions that the judge may deem appropriate.

**(5) Judge Disqualified for Trial.** A judge presiding over a settlement conference shall be disqualified from acting as the trial judge in the matter, unless all parties

agree in writing that he/she should so act.

[Amended September 1, 1977; September 1, 1981; amended effective January 1, 1990,  
September 1, 1992; September 1, 1993; September 1, 1994; September 1, 2001; January 2, 2004;  
| September 1, 2004; September 1, 2007; September 1, 2008; June 1, 2009, September 1, 2012]

## LCR 40. ASSIGNMENT OF CASES AND WHERE MOTIONS ARE TO BE HEARD

~~(-) Location of Times and Calendars. See LCR 7(b)(2).~~

(a) *Notice of Trial--Note of Issue.*

(1) **Assignment of case to Judge.** The Clerk at filing will issue for all civil cases, except those noted in LCR 4(b) ~~or 40(b)(2)~~, a trial date and a case schedule, and will assign the case to a judge. A Notice of Trial, as provided in CR 40(a), shall not be filed in any civil case. Except as provided in LCR 40(b)(2), all motions, trials and other proceedings in a case shall be brought before the assigned judge.

(b) *Where motions and proceedings to be noted.* See LCR 7(b)(2) with respect to calendar locations and times. All motions and other proceedings in a civil case, shall be brought before the assigned judge, in accordance with LCR 7, or if no assigned judge to the Ex Parte and Probate Department in accordance with LCR 40.1, except as follows:

(1) Motions for default orders and default judgments shall be presented to the Ex Parte and Probate Department, unless any defendant has appeared in the matter, in which case it shall be noted before the assigned judge, or if no judge has been assigned, to the Chief Civil Judge for SEA case designations and the Chief Judge at the Maleng Regional Justice Center for KNT case designations.

(2) Family Law Proceedings. See LFLR 5.

(3) Adoption Proceedings. Adoption proceedings, except Confidential Intermediary Petitions which are assigned to the Judges Sealed File Committee, shall be heard in the Ex Parte and Probate Department or a judge by special setting. Contested proceedings may be referred by the commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge. All hearings to finalize an Adoption Petition shall be noted for a hearing on the appropriate calendar. All other matters shall be presented via the Clerk.

(4) Small Claims Appeals. The clerk at filing will issue a Notice of Decision Date and Assignment of Judge for review of the record without oral argument. The decision shall be issued to the parties.

~~(2) Cases Not Assigned. Cases not assigned a case schedule or judge on filing or where initial hearing is not held before the assigned judge:~~

~~(5A) Antiharassment, Sexual Assault, Domestic Violence and Vulnerable Adult Petitions. See LCR 40.1(b)(2).~~

~~(6B) Certificate of Rehabilitation Order Vacating Conviction. These motions shall be noted with oral argument before the judges to whom post sentencing motions have been assigned. The motion is to be noted pursuant LCR 7. Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center. See official comment.~~

~~(C) Family Law Proceedings. See LFLR 5.~~

~~(7D) Frivolous Liens. If the motion to discharge a purportedly frivolous lien is a new action and not part of an underlying proceeding, the motion shall be set before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center. If the motion is part of an underlying proceeding, the matter should be noted before the assigned judge.~~

~~(E) Guardianships, Probates and Other Settlements of Claim involving Incapacitated Adults or Minors. See LCR 40.1(b)(2).~~

~~\_\_\_\_\_~~ **(8F) Marriage Age Waiver Petitions.** See ~~LCR 40.1(b)(2) and~~ LFLR 19.

~~\_\_\_\_\_~~ **(9G) Mental Illness Involuntary Treatment Proceedings.** The hearings in ~~mental illness involuntary treatment~~ proceedings shall be heard on the ~~mental illness involuntary treatment act~~ calendar.

~~\_\_\_\_\_~~ **(H) Non-Compliance Hearings.** ~~Hearings on the return of orders to show cause for failure to comply with the case schedule will be held in the designated courtroom at the Seattle Courthouse, for Seattle case assignment area cases and in the designated courtroom at the Maleng Regional Justice Center for Kent case assignment area cases, before the special master, commissioner or judge hearing that calendar.~~

~~(I) Orders for Protection.~~ See LCR 40.1(b)(2).

~~\_\_\_\_\_~~ **(10J) Receivership Proceedings.** See LCR 40.1(b)(2).

~~\_\_\_\_\_~~ **(K) Small Claims Appeals.** ~~The clerk at filing will issue a Notice of Decision Date and Assignment of Judge for review of the record without oral argument. The decision shall be issued to the parties.~~

~~\_\_\_\_\_~~ **(L) Status Conference (LFLR 4(e)).** ~~The status conference calendar for all family law cases that require a status conference will be held in the designated courtroom at the Seattle Courthouse for Seattle case assignment area cases and in the designated courtroom at the Maleng Regional Justice Center for Kent case assignment area cases before the special master, commissioner or judge hearing that calendar.~~

~~\_\_\_\_\_~~ **(11M) Supplemental Proceedings.** Hearings on supplemental proceedings shall be set before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center. The supplemental proceedings fee must be received before hearings will be set by the clerk.

~~(N) Support Modifications (Trials by Affidavit).~~ See LFLR 14

~~(O) Unlawful Detainer Actions.~~ See LCR 40.1(b)(2).

~~(P) Vulnerable Adult Petitions.~~ See LCR 40.1(b)(2).

**(12Q) Work Permits/Variations for Minors.** Applications for work permits for minors, sought pursuant to RCW 26.28.060, shall be presented to the ~~Seattle~~ Chief Civil ~~Department Judge in Seattle~~ for cases with a ~~SEA~~ ~~Seattle~~ designation and to the Chief Judge of the Maleng Regional Justice Center for cases with a ~~KNTent assignment designation~~.

~~\_\_\_\_\_~~ **(13R) Writs.**

~~\_\_\_\_\_~~ **(i)** ~~Applications for Writs of Habeas Corpus relating to custody of minor children shall be presented to and returnable to the senior Judge of the Unified Family Court department at the Maleng Regional Justice Center.~~

~~\_\_\_\_\_~~ **(aii)** Extraordinary writs (writs of review, coram nobis mandamus, prohibition and certiorari): See LCR 98.40.

~~\_\_\_\_\_~~ **(biii)** For other writs (pre-judgment garnishment, attachment, replevin, restitution, assistance) the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. See also LCR 40.1(b)(2)(S).

**(14S) Adult Structured Settlements.** Approvals of structured settlements pursuant to Chapter 19.205 RCW shall be given a case schedule and set before the Chief Civil judge for cases with a ~~SEA~~ ~~Seattle~~ designation and to the Chief Judge of the Maleng Regional Justice Center for cases with a ~~KNTent~~ assignment.

**(15) Quash of Subpoena.** Motions to quash subpoena from outside the jurisdiction shall be brought before the Chief Civil Judge or the Chief Maleng Regional Justice Center Judge.

**(16) Restoration of Right to Possess Firearm.** A petition to restore the right to possess a firearm shall be noted before the King County Superior Court judge to whom post-sentencing motions have been assigned if the conviction resulting in loss of the right occurred in King County Superior Court. If the conviction resulting in loss of the right occurred in a court of limited jurisdiction or the Superior Court of another county, the petitioner must file an original cause of action in King County Superior Court and the motion shall be noted without oral argument before the Chief Criminal Judge or the Chief Maleng Regional Justice Center Judge pursuant to LCR 7. [For cases in which loss of firearms resulted in a juvenile matter refer to the Juvenile rules.] See official comment.

~~-(c3)-~~ **Trial Dates.** In guardianship, TEDRA, probate, receiverships and unlawful detainer matters, the motion shall be made before the Ex Parte Department. In all other cases not assigned to a judge, the motions shall be made to the Chief Civil Judge in Seattle for cases with a SEA designation and to the Chief Judge at the Maleng Regional Justice Center for cases with a KNT designation. The motion, which shall be decided without oral argument, shall briefly describe the case, including whether a jury demand has been filed, the expected length of the trial, and any other information relevant to the setting of a trial date. If a case has not been assigned a trial date, or if the assigned trial date has passed and the case has not been dismissed, any party may apply by motion to the assigned judge, or if no assigned judge, to the Seattle Chief Civil Department for cases with a Seattle designation and to the Chief Regional Justice Center Judge in Kent for cases with a Kent assignment, for assignment of a trial date and a case schedule. The motion, which shall be decided without oral argument, shall briefly describe the case, including whether a jury demand has been filed, the expected length of the trial, and any other information relevant to the setting of a trial date.

~~-(4) Motions to Consolidate.~~ Motions to consolidate cases for trial or other purposes, or to reassign a case to a different judge for reasons of the efficient administration of justice, shall be made in writing to the Chief Civil Judge. Cases without a case schedule or an assigned judge may be consolidated into another case by any judicial officer on the Court's own motion.

~~-(5) Notice of Trial.~~ A Notice of Trial, as provided in CR 40(a), shall not be filed in any civil case.

~~(db) Reserved.~~

~~-(e) Reserved.~~

~~(d) Reserved.~~

**(e) Continuances/Change of Trial Date.**

**(1) Limited Adjustment of Trial Date to Resolve Schedule Conflict.** In cases that are governed by a Case Schedule, the trial date may be adjusted, prior to the Final Date to Change Trial, by motion, to a Monday no more than 28 days before or 28 days after the trial date listed in the Case Schedule.

**(2) Change of Trial Date.** A motion to strike a trial date, or change a trial date more than 28 days before or after the original date, shall be made in writing to the assigned Judge, or if there is no assigned Judge, to the Chief Civil Department, and shall be decided without oral argument. If a motion to change the trial date is made after the Final Date to Change Trial Date, as established by the Case Schedule, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A motion to strike or change a trial date may be granted subject to such conditions as justice requires.

**(3) Amended Case Schedule.** When a trial date is changed, the judge changing the trial date may amend the case schedule or may direct that the parties confer and propose a new schedule. Unless some other deadline for submitting the proposed case schedule is set by the court, the parties must submit a proposed case schedule for signature by the assigned judge no later than twenty days after the order changing the trial date is signed.

**(4) Change of Trial Date on Court's Motion.** The Court on its own initiative may, if necessary, change the trial date.

**(f) Change of Judge.** For affidavits of prejudice see RCW 4.12.050.

~~**(g) Affidavits--Court Commissioners.** Affidavits of prejudice or for change of Court Commissioner will not be recognized. The remedy of a party is for a motion for revision under RCW 2.24.050.~~

Official Comment: Petitions for certificates of rehabilitation is a term sometimes used to describe the Order Vacating Conviction (LCR 40(b)(7)) and Restoration of Rights (LCR 40(b)(17)) process, though this is no longer part of Washington state law.

[Amended September 1, 1977; September 1, 1978; September 1, 1980; amended effective January 1, 1983; September 1, 1984; December 1, 1988; January 1, 1990; September 1, 1992; September 1, 1993; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2005; September 1, 2006; September 1, 2008; January 1, 2009; September 1, 2009; September 1, 2010, September 1, 2011, September 1, 2012.]

## LCR 40.1 EX PARTE AND PROBATE DEPARTMENT

### *(a) Ex Parte and Probate Department.*

~~(1) Reserved.~~

**(12) Ex Parte and Probate Department Presentation of Motions and Hearings Manual.** The Ex Parte and Probate Department and probate Presentation of Motions and Hearings Manual (“Motions and Hearings Manual”) is issued by the Clerk and shall contain a list of all matters that shall be presented to the Ex Parte and Probate Department and specifically indicate which matters shall be heard in person and which shall be submitted in writing, without oral argument, through the Clerk’s office. The Motions and Hearings Manual shall contain specific procedural information on how to present matters through the Clerk’s office. The Motions and Hearings Manual shall be made available online at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk) and in paper form through the Clerk’s office and the Ex Parte and Probate Department.

### *(b) Motions and Other Procedures~~Documents~~.*

**(1) Scope of Rules.** This rule governs all matters presented to the Ex Parte and Probate Department.

**(2) Cases Not Assigned.** Except as provided otherwise in these rules, all motions and proceedings pertaining to cases not assigned a case schedule or judge on filing ~~or where the initial hearing is not held before the assigned judge~~ shall be presented to the Ex Parte and Probate Department. See LCR 40(a)(2). The following cases or motions are heard by the Ex Parte and Probate Department:

**(A) Adoption Proceedings.** Adoption proceedings, except Confidential Intermediary Petitions which are assigned to the Judges Sealed File Committee, shall be heard in the Ex Parte and Probate Department or a judge by special setting. Contested proceedings may be referred by the commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge. All hearings to finalize an Adoption Petition shall be noted for a hearing on the appropriate calendar. All other matters shall be presented via the Clerk.

**(B) Agreed and Default Family Law Decrees and Modifications.** See LFLR 5.

**(C) Antiharassment, Domestic Violence, Sexual Assault and ~~Petitions, Orders for Protection and~~ Vulnerable Adult Protection Orders~~Petitions~~:**

— **(i) Antiharassment Petitions.** Applications for temporary antiharassment protection orders shall be presented ~~to in~~ the Ex Parte and Probate Department. Hearings on final antiharassment protection orders ~~for Seattle and Kent case assignment area cases~~ shall be set by the Clerk or Judicial Officer on the Antiharassment/Sexual Assault Protection Order calendar. ~~in the temporary order on the antiharassment calendar.~~

— **(ii) ~~Orders for~~ Domestic Violence Petition~~Protection~~ Orders~~Protections~~.** ~~Petitions for temporary orders may be presented in the Ex Parte and Probate Department or at Juvenile Court as to certain dependent children. Permanent domestic violence protection hearings will be set on the domestic violence calendar in the Family Law Department. See LFLR 12.<sup>+</sup>~~

**(i)(ii) Sexual Assault ~~Assault~~ Petitions~~Protection~~**

<sup>+</sup> ~~LFLR 12 needs to be modified. We may want to retain this language if we are not going to be modifying the family court rules.~~

### **Orders.~~Protection Orders~~**

Applications for temporary sexual assault protection orders shall be presented in the Ex Parte and Probate Department. Hearings on final sexual assault protection orders ~~for Seattle and Kent case assignment area cases~~ shall be set by the Clerk or Judicial Officer on the Antiharassment /Sexual Assault Protection Order calendar.~~in the temporary order on the antiharassment calendar.~~

#### **(iv) Vulnerable Adult ~~Petitions~~Protection Orders.**

Applications Requests ~~for both ex parte~~ temporary vulnerable adult protection orders shall be presented to the Ex Parte and Probate Department. Hearings on final vulnerable adult protection orders shall be set by the Clerk or Judicial Officer before the Ex Parte and Probate Department. and final hearings shall be heard in the Ex Parte and Probate Department.

~~(D) Emancipation of a Minor. Petitions for Emancipation of a Minor shall be noted before the Chief UFC Judge, who may refer the matter to Family Court Services for investigation. See also LFLR 18.~~

**(DE) Guardianships, Probates and Other Settlements of Claim involving Incapacitated Adults or Minors.** All proceedings brought under Title 11 which include but are not limited to Guardianships, Probates, and trust matters, as well as motions to approve settlement of a claim on behalf of a minor or incapacitated adult pursuant to SPR 98.16, shall be set on the Guardianship/Probate calendar in the Ex Parte and Probate Department either through the Clerk's office or in person, pursuant to the policy guidelines in the Motions and Hearings Manual issued by the Clerk's office. If the matter is contested, it may be referred by the judicial officer to the Clerk who will issue a trial date and will assign the case to a judge.

**(EF) Judgments on Arbitration Awards.** Judgments on Arbitration Awards shall be presented to the Ex Parte and Probate Department with notice to the other parties.

~~(G) Marriage Age Waiver Petitions. These petitions shall be noted before the Chief UFC Judge, who may refer the matter to Family Court Services for investigation. See also LFLR 19.~~

**(FH) ~~Motions for Orders~~ to Show Cause.** All Motions for Show Cause shall be presented to the Ex Parte and Probate Department. For cases where the return on the order to show cause is before the assigned trial court, the moving party shall obtain a date for such hearing from the staff of the assigned trial court before presenting to the Ex Parte and Probate Department. See also LCR 7(b)(9). For all cases where the return on the order to show cause is to a calendar, rather than before the assigned judge, the moving party shall select the return date and state the calendar in the proposed order. See also LCR 7(b)(3); LFLR 5.

**(GI) Orders Waiving Filing Fees.** In Forma Pauperis Motions where the party is attempting to seek a waiver of the initial filing fee shall be presented to the Ex Parte and Probate Department. See GR 34. Forms and instructions for these waivers are available at the Clerk's Office or on the Clerk's website: [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk).

**(HJ) ~~Waiving Requests to Waive~~ Ex Parte Via the Clerk and ECR On-Line fees.** Requests to waive fees for Ex Parte via the Clerk shall be presented to the Clerk. Forms and instructions for these waivers are available at the Clerk's Office or on the Clerk's website: [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk). See LR 78 regarding the waiver of ECR On-line fees.

**(IK) Orders Waiving Other Fees.** Waiver of fees other than initial filing fees shall be presented to the assigned judge, or if no assigned judge to the Chief Civil

Judge. See RAP 15 for waiver of appellate fees and costs. See GR 34. Forms and instructions for these waivers are available at the Clerk's Office or on the Clerk's website: [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk).

**(JL) Orders to Remove non-ECR Files.** Orders to remove non-ECR files from clerk's office shall be presented to the Ex Parte and Probate Department.

**(KM) Orders Vacating a Dismissal.** Orders vacating a dismissal of any civil case combined with a final dispositive order shall be presented to the Ex Parte and Probate Department.

**(LN) Receivership Proceedings.** If the petition is a new action and not part of an underlying proceeding, the initial hearings shall be set in the Ex Parte and Probate Department, and be presented in person; contested proceedings may be referred by the commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge.

**(MO) Sealed Files:** See LGR 15, LCR 26(b), LCR 77(i)(11) and LFLR 11.

**(NP) Temporary Restraining Orders.** Temporary restraining orders seeking relief pending a hearing on show cause shall be presented to the Ex Parte and Probate Department, and may be presented along with the Motion for Show Cause.

**(QQ) Unlawful Detainer Actions.** The orders to show cause, and any agreed orders or orders that do not require notice, shall be obtained by presenting the orders, through the Clerk's office, to the Ex Parte and Probate Department, without oral argument. The initial hearing on order to show cause shall be heard in person in the Ex Parte and Probate Department, provided that contested proceedings may be referred by the judicial officer to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge.

**(PR) Unopposed Matters.** Unopposed matters are to include any agreed order or any order that does not require notice to any other party, interested person or entity and does not require the approval of the assigned judge and is not reserved to any other calendar by any statute, court rule or court order. Motions for default orders and default judgments shall be presented to the Ex Parte and Probate Department, unless any defendant has appeared in the matter, in which case it shall be noted before the assigned judge, or if no judge has been assigned to the Chief Civil Judge for SEA case designations and the Chief Judge at the Maleng Regional Justice Center for KNT case designations in accordance with LR 7.

**(QS) Writs.** For pre-judgment garnishment, attachment, replevin, restitution and assistance writs the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. For other writs, see LCR 40 (a)(2).

**(3) Assigned Cases.** Although assigned to a judge (IC judge), the following civil matters shall be presented to the Ex Parte and Probate Department except as provided otherwise in these rules or by the Court:

(A) In civil proceedings, including family law proceedings, all agreed orders, judgments and decrees, and any orders that do not require notice to any other party, interested person, or entity, including motions for orders to show cause, provided that the order does not affect the case schedule, direct the Clerk to seal a document or file, or purport to direct the manner in which another Department or Judge handles a hearing (i.e. a motion to exceed page limits or shorten time), and is not reserved to any other calendar by any statute, court rule, or court order. See LCR 40 and LFLR 5.

(B) Motions to approve or disapprove the settlement of a claim on behalf of an incapacitated ~~person~~<sup>adult</sup> or minor. See SPR 98.16.

(C) Judgments on arbitration awards. See LMAR 6.3.

(D) Civil and family law emergency restraining orders, including domestic violence, sexual assault, and anti-harassment protection orders where either no notice or shortened notice has been given to the opposing parties.

(E) Any other matters as directed by these rules or the Court.

**(4) Matters Not Presented to the Ex Parte and Probate Department.**

Regardless of the type of motion, the following types of cases are not heard in the Ex Parte and Probate Department except as otherwise directed by the Court: juvenile court proceedings; civil commitment and sexual predator proceedings; criminal matters; and family law matters given a UFS or UFK designation and assigned to an individual judicial officer for intensive case management. See LFLR 5 and the Motions and Hearings Manual with respect to what types of family law motions shall be presented to the Ex Parte and Probate Department.

**(5) Argument.** Matters presented to the Ex Parte and Probate Department are heard either with or without oral argument as determined by this rule.

**(A) Matters With Oral Argument.** Generally, emergency orders of protection, other specific emergent matters, matters requiring notice, matters requiring testimony, and matters directed specifically by the Court will be heard in person, with oral argument, on the assigned Ex Parte and Probate Calendar. The parties shall comply with the Motions and Hearings Manual to determine if a specific matter shall be permitted oral argument.

**(B) Matters Without Oral Argument.** All other matters not presented in person shall be submitted to the Ex Parte and Probate Department in writing, without oral argument, through the Clerk's office. Parties must deliver or mail their paperwork to the Clerk's office directly. The Clerk's office will assess a processing fee. The processing fee must be paid or waived at the time of submission. Parties shall comply with the specific process set forth in the Motions and Hearings Manual for submitting their paperwork.

**(C) Matters Required to be Noted.** Matters required to be noted for hearing in the Ex Parte and Probate Department must be presented by the parties in person at the time of the noted hearing. Matters may not be noted in the Ex Parte and Probate Department for hearing without oral argument.

[Adopted effective January 1, 2009; amended effective September 1, 2009; September 1, 2010; September 1, 2012.]

## **LCR 42. CONSOLIDATION; SEPARATE TRIALS**

**(a) *Motions to Consolidate.*** ~~(4) *Motions to Consolidate.*~~ Motions to consolidate cases for trial or other purposes, or to reassign a case to a different judge for reasons of the efficient administration of justice, shall be made in writing to the Chief Civil Judge for SEA case designations and the Chief Judge at the Maleng Regional Justice Center for KNT case designations. Cases without a case schedule or an assigned judge may be consolidated into another case by any judicial officer on the Court's own motion.

Adopted effective September 1, 2012.

## LCR 53.2. COURT COMMISSIONERS

(a)-(e) Reserved.

(f) Affidavits--Court Commissioners. Affidavits of prejudice or for change of Court Commissioner will not be recognized. The remedy of a party is for a motion for revision under RCW 2.24.050.

Adopted effective September 1, 2012

## LCR 77. SUPERIOR COURTS AND JUDICIAL OFFICERS

### (f) Sessions.

(1) **Continuous Session.** There shall be one continuous session of court from January 1 to December 31 of each year, excepting those days designated as legal holidays and such days in connection therewith as shall be specifically designated from time to time by the court.

### (2) Court Hours.

(A) **Presiding Department.** The court shall be open from 8:30 AM to 12:00 noon and 1:30 PM to 4:30 PM, Monday through Friday and Saturday from 10:00-12:00. No judge need attend personally on Saturdays except upon call. When not personally present, the Presiding Judge shall keep posted in a conspicuous place on the courtroom door and also on the door of the County Clerk's office a notice giving the names and telephone numbers where the Presiding Judge or acting Presiding Judge and clerk may be reached during court hours.

(B) **Trial Departments.** Sessions of trial departments other than the Juvenile and Special Calendars Departments shall be from 9:00 AM until 12 noon and from 1:30 PM until 4 PM, Monday through Friday, unless otherwise ordered by the judge. Special sessions of any court may be held on Saturday at the discretion of the judge presiding in the particular department, to hear any and all matters that such judge sets for hearing before him/her and at such hours upon said day as the departmental judge shall fix.

(C) **Ex Parte Department.** The Ex Parte Department shall be open from 9 AM until 12 noon and from 1:30 PM until 4:15 PM, Monday through Friday. See LCR 40.1

### (i) Sessions Where More Than One Judge Sits -- Effect on Decrees, Orders, etc.

(1) **Presiding Judge; Duties.** The Presiding Judge shall preside when the court sits *en banc*, shall preside over the Department of the Presiding Judge and shall receive and dispose of all communications intended for the Superior Court not personally addressed to any judge nor relating to business which has been assigned to any particular department.

(2) **--Same; Jurors.** The Presiding Judge shall have general charge of all jurors and shall determine requests for excuse from jury service. The Presiding Judge may delegate the determination for requests for excuse from jury service to senior jury staff.

(3) **--Same; Liaison with Departments.** If, for any reason, a departmental judge cannot hear a matter, he/she shall return it to the Chief Civil Department for Seattle case assignment area cases and the Chief Maleng Regional Justice Center Judge for Kent case assignment area cases, for hearing or reassignment.

(4) **--Same; Criminal Arraignments, Emergency Orders and Writs.** The Chief Criminal Judge shall hear or assign for hearing the criminal arraignment calendar. Applications for Writs of Habeas Corpus relating to custody of minor children ~~and other extraordinary writs~~ shall be presented to the ~~Chief Civil Judge for Seattle case assignment area cases and the Chief Maleng Regional Justice Center Judge for Kent case assignment area cases~~ most senior UFC Judge at the Maleng Regional Justice Center. Applications for emergency and miscellaneous applications on ~~civil-criminal or infraction~~ matters shall be presented to the Chief ~~Civil Department~~ Criminal Judge or Chief Judge of the Maleng Regional Justice Center. ~~Judge.~~ No other judge shall sign emergency orders or grant writs while the Presiding Judge or Chief Civil Judge is on duty unless the matter is specifically assigned to that judge by or under the direction of the Presiding Judge or Chief Civil Judge or Chief Judge of the Maleng Regional

Justice Center, or except as provided in LR 98.40. Any order procured in violation of this paragraph may be set aside by the Presiding Judge or Chief Civil Judge or Chief Judge of the Maleng Regional Justice Center upon the application of the party against whom the order has been issued made within 24 hours after service of the order. (See also CR 65(a)(1), Notice.)

(5) **--Same; Ex Parte Orders.** The Chief Civil Department or Chief Judge of the Maleng Regional Justice Center may hear any matters assigned to or arising out of the Ex Parte Department.

(6) **--Same; Judges Pro Tempore.** All judges pro tempore shall be appointed by the Presiding Judge.

(7) **--Same; Absence.** The Presiding Judge in case of disability or necessary absence, may designate another judge to act as Presiding Judge temporarily when the Assistant Presiding Judge is not available.

(8) **--Same; Delegation of Duties.** The Presiding Judge may delegate all duties not required by law to be performed by a Superior Court judge in person.

~~(9) **Ex Parte Department; Show Cause Orders.** Applications, motions, show cause orders and citations shall be made returnable before the following departments:~~

~~(A) **Probate.** Motions, orders to show cause and citations in probate shall be made returnable to the Ex Parte Department.~~

~~(B) **Writs of Restitution; Unlawful Detainer.** Orders to show cause why a writ of restitution should not be issued in an unlawful detainer matter shall be made returnable to the Ex Parte Department.~~

~~(C) **Other.** Motions and orders to show cause in all other civil proceedings shall be made returnable before the assigned judge.~~

~~(109)~~ **Orders to Show Cause.** The court shall make orders to show cause returnable in not less than five days except for good cause shown.

~~(110)~~ **Sealed Files.** Applications to examine sealed files shall be made as follows: civil, domestic, paternity and dependency cases to the assigned judge, or respective Chief Judge, and petitions to review or remove a will from the will repository to the Ex Parte and Probate Department, with oral argument, presented in person; adoption cases to the Sealed Adoption File Committee judges; dependency cases to the Juvenile Department; mental illness cases to the mental illness calendar. No order permitting the examination of any sealed file shall be entered without a written motion establishing justification under applicable court rules and caselaw. The court may, in its discretion, require notice to be given to any party in interest before permitting such examination.

Comment: See also LFLR 5(c) (*Where to Schedule Specific Motions in Family Law Proceedings*).

[Amended effective September 1, 2001; September 1, 2003, September 1, 2007; September 1, 2008; January 1, 2009, September 1, 2012]

## LCR 80. COURT REPORTERS AND TRANSCRIPTS

(a) **Scope of Rule.** The provisions of this rule apply to official court reporters, visiting judge court reporters and, court reporters *pro tempore* and to anyone who produces an official transcript, for example a transcript used for appellate purposes.

(b) **Reserved.**

(c) **Reserved.**

(d) **General Reporting Requirements.**

(1) **Separate Civil and Criminal Notes.** Court reporters shall keep separate notes for civil and criminal cases.

(2) **Arguments; Voir Dire; Information Discussion.** Unless expressly requested by a party or directed by the trial Judge, the following matters will not be reported or recorded:

(A) Opening statements and closing arguments in civil cases, both jury and nonjury.

(B) Voir dire in civil jury cases.

(C) Informal discussions relating to proposed instructions.

(D) Administrative Law Reviews

(3) **Oral Rulings and Decisions.** If the Judge orders in a minute entry that the judge requests to review a transcript of the oral decision before the transcript is filed, the transcriptionist shall electronically transmit a copy of the oral decision to the Judge. The Judge's corrections, if any, shall be returned to the transcriptionist within 14 days of transmittal. If the Judge does not return corrections within 14 days, the transcript shall be filed as presented to the Judge, without further notice. Oral decisions by the Judge of any department that are transcribed for any purpose shall be submitted to the judge for correction prior to delivery of a final copy. The reporter shall also provide the judge with a final copy of any transcription.

(4) **Verbatim Report of Proceedings.** Preparation of an official transcript of electronically recorded proceedings conducted in Superior Court (including videotape, audiotape, and digital recordings) shall be completed by a court-approved transcriber in accordance with procedures developed by the Office of the Administrator for the Courts and the King County Superior Court Clerk.

(A) To be included on the King County Superior Court Approved Transcriber List, reporters must complete the Affidavit Requesting Transcriber Status provided by the Superior Court Clerk.

(e) **Transcripts and Statements of Fact.**

(1) **Transcripts; Notice to Opposing Counsel.** Subject to making satisfactory arrangements for payment of cost, reporters shall furnish promptly all transcripts ordered by counsel. Upon request by one counsel for a transcript of any portion of the record, the reporter shall give prompt notice of the request to opposing counsel.

(2) **Statements of Fact; Ordered in Writing.** Counsel ordering statements of fact shall make a timely request, in writing. Subject to making satisfactory arrangements for payment of the cost, reporters shall furnish promptly all statements of fact on written order from counsel.

**(3) Substitution of Reporters.** In the event there is a substitution of reporters, counsel may order the transcript or statement of facts from the reporter first assigned, who shall notify the substitute reporter of the order.

**(f) Filing of Notes.**

**(1) Separate Civil and Criminal Notes.** Reporters shall file their notes for civil and criminal cases separately with the Clerk's office within thirty days after the conclusion of the trial or proceeding unless governed by SPRC 3.

**(2) Index.** Reporters shall attach and file an index, with the numbers and titles of all trials reported, for each set of notes.

**(3) Withdrawal of Notes; Return.** After filing the notes, reporters may withdraw them for such time as is necessary to prepare transcripts, by giving a receipt therefore to the Clerk. Reporters shall return notes to the Clerk's office as the transcripts are completed, or on demand of the Clerk.

[Amended effective September 1, 1989; September 1, 2011; September 27, 2011, [September 1, 2012.](#)]

## LCR 82. CASE ASSIGNMENT AREA

### ***(e) Location for Court Proceedings for Civil Cases Filed in King County; Filing of Documents and Pleadings and Designation of Case Assignment Area.***

**(1) Designation of Case Assignment Area.** Each case filed in the Superior Court shall be accompanied by a Case Assignment Designation Form [in the form set forth at LCR 82(e)(8)] on which the party filing the initial pleading has designated whether the case fits within the Seattle Case Assignment Area or the Kent Case Assignment Area, under the standards set forth in Sections (2) through (7), below. Civil cases filed prior to September 1, 1995 and criminal cases filed prior to June 1, 1996 are defaulted to the Seattle Case Assignment Area unless otherwise ordered by the Court.

**(2) Where Proceedings Held.** All proceedings of any nature shall be conducted at the Court facility in the case assignment area designated on the Case Assignment Designation Form unless the Court has otherwise ordered on its own motion or upon motion of any party to the action.

**(3) Boundaries of Case Assignment Areas.** For purposes of this rule King County shall be divided into case assignment areas as follows:

**(A) Seattle Case Assignment Area.** All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

**(B) Kent Case Assignment Area.** All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

**(C) Change of Area Boundaries.** The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

### **(4) Standards for case assignment area designation, and revisions thereof.**

**(A) Location Designated by Party Filing Action.** Initial designations shall be made upon filing as follows:

**(i) Family Law, Paternity and Adoption Cases.** For adoption cases, the area where the petitioner(s) resides; for paternity cases, the area where the child resides; and for all other family law cases, the area where either the petitioner or respondent resides or if neither party resides in King County, in the Seattle case assignment area.

**(ii) Probate, Guardianship and Trust cases.** For probate cases, the area where the decedent principally resided or if the decedent did not reside in King County, the area in which any part of the estate may be; for guardianship cases, the area where the ward resides; and for trust cases, the area where the principal place of administration of the trust is located. If no principal residence or estate is located in King County, the action may be filed in either case assignment area.

**(iii) Orders for Protection and Orders for Antiharassment.** For orders for protection or for antiharassment, the area where the petitioner resides unless the petitioner has left the residence or household to avoid abuse; in that case, in either the case assignment area of the previous or the new household or residence.

**(iv) Other Civil cases.** For civil cases involving personal injury or property damage, the area where the injury or damage occurred; for cases involving condemnation, quiet title, foreclosure, unlawful detainer or title to real property, the area where the property is located; for all other civil cases, including administrative law reviews, the area

where a defendant or respondent resides, or if there is no defendant or respondent, or if defendant or respondent does not reside in King County, the area where the plaintiff or petitioner resides.

**(v) Appeals from Courts of Limited Jurisdiction.** For cases subject to RALJ, the case assignment area in which the court of original jurisdiction is located.

**(vi) Transcripts of Judgment.** For transcripts of judgment, the case assignment area where the court of original jurisdiction is located.

**(vii) Small Claims Appeals.** For small claims appeals, the case assignment area where the court of original jurisdiction is located.

**(viii) Appeals from Department of Licensing Orders of Suspension.** For appeals from Department of Licensing Orders of Suspension, the Seattle case assignment area.

**(ix) Actions filed pursuant to RCW 36.01.050.** For actions filed pursuant to RCW 36.01.050 (adjoining counties), either case assignment area.

**(x) Domestic Modifications and Support Adjustments.** Any Modification Petition or Motion for Support Adjustment in either domestic or paternity cases shall be accompanied by a new Case Assignment Designation form.

**(xi) Cases filed pursuant to Trust and Dispute Resolution Act, ch. 11.96A, RCW.** Seattle if the primary residence or estate of decedent was in the Seattle case assignment area; all other such cases shall be designated to Kent. If no principal residence or estate is located in King County, the action may be filed in either assignment area.

**(B) Improper Designation/Lack of Designation.** The designation of the improper case assignment area shall not be a basis for dismissal of any action, but may be a basis for imposition of terms. The lack of designation of case assignment area at initial case filing may be a basis for imposition of terms and will result in assignment to a case assignment area at the Court's discretion.

**(C) Assignment or Transfer on Court's Motion.** The Court on its own motion may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

**(D) Motions By Party to Transfer.** Motions to transfer court proceedings from one case assignment area to another shall be presented to the Chief Civil Judge or the Chief Judge of the Maleng Regional Justice Center-Judge. Such motions shall be made in writing as required by LCR 7; shall be ruled on by the Court without oral argument; and shall be noted for consideration no later than 14 days after the date for filing the Confirmation of Joinder of Parties, Claims, and Defenses in civil cases, as required in LCR 4.2(a), or the date for filing of the Confirmation of Issues in domestic cases, as required by LFLR 4(c). All cases shall proceed in the original case assignment area until an order of transfer is entered. Proceedings in the assigned area shall not preclude the timely filing of a motion to transfer.

**(E) Venue not affected.** This rule shall not affect whether venue is proper in any Superior Court facility in King County.

**(5) Where Pleadings and Documents Filed.** Pursuant to LGR 30, all pleadings and documents for any civil action in King County must be electronically filed with the Clerk using the Clerk's e-filing system. Documents identified as exceptions to mandatory e-filing must be filed in paper form with the Clerk of the Superior Court at any court facility in any case assignment area in the county. Working copies of documents for the judge or commissioner must be submitted pursuant to the requirements of LCR 7(b).

**(6) Ex Parte Proceedings.** Proceedings in the Ex Parte Department shall be

heard in the case assignment area of the case, except that ex parte matters which do not require court case file review may be heard in any court facility of King County Superior Court.

**(7) Inclusion of Case Assignment Area Code.** All pleadings and documents shall contain after the cause number the case assignment area code assigned by the Clerk (or the default case assignment area code pursuant to LCR 82(e)(1)) for the case assignment area in which court proceedings are to be held. The Clerk may reject pleadings or documents that do not contain this case assignment area code.

**(8) Case Assignment Designation Form.** The Case Assignment Designation Form shall be in substantially the following form:

### Attachment to Case Indexing Cover Sheet

#### CASE ASSIGNMENT DESIGNATION

I certify that this case meets the case assignment criteria, described in King County LCR 82(e), for the:

\_\_\_\_\_ Seattle Area, defined as

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

\_\_\_\_\_ Kent Area, defined as

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

\_\_\_\_\_  
Signature of Petitioner/Plaintiff

\_\_\_\_\_  
Date

or

\_\_\_\_\_  
Signature of Attorney for  
Petitioner/Plaintiff

\_\_\_\_\_  
Date

\_\_\_\_\_  
WSBA Number

**(9) Jury Assignment Area.** See LGR 18. The rule provides for Seattle and Kent jury assignment areas, consisting of registered voters and licensed drivers and identicard holders residing in each jury assignment area.

[Effective September 1, 1995; amended effective September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2004, September 1, 2006, September 1, 2007; September 1, 2008; June 1, 2009; September 8, 2009, September 1, 2012.]

## LGR 30. MANDATORY ELECTRONIC FILING

### (b) *Electronic Filing.*

**(5) Electronic Filing Is Mandatory.** Effective July 1, 2009, unless this rule provides otherwise, attorneys shall electronically file (e-file) all documents with the Clerk using the Clerk's eFiling Application or an electronic service provider that uses the Clerk's eFiling Application. Non-attorneys are not required to e-file documents.

**(A) Documents That Shall Not Be E-Filed.** Exceptions to mandatory e-filing include the following documents:

- (i) Original wills and codicils, including new probate cases that include original wills or codicils;
- (ii) Certified records of proceedings for purposes of appeal;
- ~~(iii) Documents of foreign governments under official seal including foreign and out of state adoption documents;~~
- ~~(iiiiv)~~ Documents presented for filing during a court hearing or trial;
- (iv) Documents for filing in an Aggravated Murder case;
- ~~(vi)~~ Administrative Law Review (ALR) Petitions;
- ~~(vii)~~ Interpleader or Surplus Funds Petitions;
- (viii) Documents submitted for *in camera* review, including documents submitted pursuant to LGR 15;
- ~~(viiiix)~~ Affidavits for Writs of Garnishment and Writs of Execution;
- ~~(x) Foreign (out of state) judgments;~~
- (ixi) New cases or fee based documents filed with an Order in Forma Pauperis;  
~~and~~
- ~~(xii) Out of state custody and support registration petitions.~~

The above-excepted documents must be filed in paper form.

*Comment:* Negotiable instruments, exhibits, and trial notebooks are examples of items that are not to be filed in the court file either in paper form or by e-filing.

**(B) Documents That May Be E-Filed.** The following documents may be e-filed:

- (i) Voluminous Documents—Voluminous documents of 500 pages or more may be e-filed or filed in paper form.
- (ii) Answers to Writs of Garnishment
- (iii) Appeals of lower court decisions
- (iv) Documents from governments or other courts under official seal including adoption documents. If filed electronically, the filing party must retain the original document; during the pendency of any appeal and until at least sixty (60) days after completion of the instant case, and shall present the original document to the court if requested to do so. This does not include documents that are or will be submitted as an exhibit in a hearing or trial.

**(C) Working Copies for E-Filed Documents.** Judges' working copies for e-filed documents may be electronically submitted to the Clerk using the Clerk's eFiling Application and pursuant to LCR 7 unless this rule provides otherwise. The Clerk may assess a fee for the electronic delivery of working copies. Working copies of documents of 500 pages or more in length shall not be submitted electronically. Working copies shall be delivered pursuant to LCR 7, LFLR 6 or the applicable rule for that case type.

**(D) Waiver of the Requirement to E-File.** If an attorney is unable to e-file documents,

the attorney may request a waiver. The attorney must explain why he or she needs to file paper documents in that particular case. The Clerk will make waiver request forms available. The Clerk will consider each application and provide a written approval or denial to the attorney. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who have received a waiver shall place the words “Exempt from e-filing per waiver filed on (date)” in the caption of all paper documents they file for the duration of the waiver.

**(E) Non-Compliance With This Rule.** If an attorney files a document in paper form and does not have an approved waiver from e-filing, the Clerk will assess a fee against the attorney pursuant to King County Code 4.71.100 for each paper document filed.

| [Adopted effective June 1, 2009; September 1, 2010, September 1, 2011, September 1, 2012.]

### **LCrR 3.1. Right to and Assignment of Counsel**

**(f) *Services Other Than Counsel.*** Pursuant to the authority under CrR 3.1(f), all requests and approval for expert services expenditures are hereby delegated to ~~the judicial entity,~~ the King County Office of the Public Defender. Upon finding that investigative, expert or other services are necessary to an adequate defense and that defendant is financially unable to obtain them, the King County Office of the Public Defender (OPD) shall authorize the services. Where services are denied in whole or in part, the defendant may move for *de novo* review to the Chief Criminal Judge or the Chief Judge of the Maleng Regional Justice Center. Should defendant seek an order sealing the moving papers, defendant shall present, along with the moving papers, a motion and proposed order sealing the documents to the OPD. OPD shall submit the motion to seal and proposed order with the moving papers regarding request for expert services and OPD's order on the motion for expert services to the Chief Criminal Judge or the Chief Judge of the Maleng Regional Justice Center.

[Adopted effective January 1, 1996; Amended effective September 1, 2008, September 1, 2011, November 29, 2011, March 2, 2012, September 1, 2012]

### LMAR 3.2. AUTHORITY OF ARBITRATORS

See MAR 3.2(a)(1)-(9). In addition to the authority granted to arbitrators by MAR 3.2 (a), an  
~~An~~ arbitrator has the authority to:

(a) Determine the time, place and procedure to present a motion before the arbitrator.

(b) Require a party or attorney or both to pay the reasonable expenses, including attorney fees, caused by the failure of such party or attorney or both to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the Clerk of the Superior Court, with proof of service of a party on each party. The aggrieved party shall have ten days thereafter to appeal the award of such expense in accordance with the procedures described in RCW 2.24.050. If within ten days after the award is filed no party appeals, a judgment shall be entered in a manner described generally under MAR 6.3.

~~(c) Award attorney fees and costs as authorized by these rules, by contract, or by law.~~

~~(dc)~~ See MAR 3.2 for the relationship between the arbitrator's and judge's authority over a case in arbitration.

[Amended effective January 1, 1990; September 1, 1992; September 1, 2009, September 1, 2012.]

## LMAR 6.2. FILING OF AWARD

(a) *Extension of Time.* A request by an arbitrator for an extension of time for the filing of an award under MAR 6.2 shall be presented in writing to the Supervisor, ex parte. The Supervisor may grant or deny the request, subject to review by the Presiding Judge. The arbitrator shall give the parties notice of any extension granted.

~~(b) *Attorneys Fees.* Any motion for actual attorney fees, whether pursuant to contract, statute, or recognized ground in equity, must be presented to the arbitrator, as follows:~~

~~(1) Any motion for an award of attorney fees must be submitted to the arbitrator and served on opposing counsel either before the issuance of an award or within seven calendar days of filing of the award. There shall be no extension of this time.~~

~~(2) Any response to the motion for fees must be submitted to the arbitrator and served upon opposing counsel within seven calendar days after receipt of the motion.~~

~~(3) The arbitrator shall render a decision on the motion, in writing, within 21 days after the motion is made.~~

~~(4) The arbitrator shall file and serve the decision on all parties and the arbitration department.~~

~~(5) A decision on attorney fees shall not extend the time for appeal of the original award.~~

[Amended effective September 1, 1999; September 1, 2008; September 1, 2009, September 1, 2012.]

## **LJuCR 6.6 TERMINATION OF DIVERSION AGREEMENT**

~~If an information is filed alleging an offense previously the subject of a diversion agreement, the information shall be accompanied by a motion to terminate the diversion agreement. The respondent shall indicate not later than at the case setting hearing whether or not the motion to terminate the diversion agreement will be contested. If the motion is to be contested, a hearing thereon may be set for the same time as the trial.~~

~~[Amended effective September 1, 1983.]—~~

NOTE: This is now covered in RCW 13.40.080.

## **LJuCR 7.1. LOCAL PROCEDURES**

The current procedures for handling and processing criminal cases in King County Superior Court Juvenile Division are contained in the Juvenile Division Offender Manual. Copies of the Manual are available from the courtroom of the Chief Juvenile Judge in Seattle A link to the Manual can be found on the Court's web site  
<http://www.kingcounty.gov/sites/courts/Juvenilecourt>

## **LJuCR 7.3 DETENTION AND RELEASE WITHOUT HEARING**

### **~~(c) Admission to Detention and Review.~~**

~~(1) **Authority.** The screening officer who is responsible for intake procedure shall have the authority to admit any juvenile to detention, subject to RCW 13.40.040~~

~~(2) **Review.** The admission of a juvenile to detention shall be reviewed by a designated staff person within 24 hours of the admission. The juvenile may be detained thereafter only if that person believes grounds for detention apply as stated herein. Those grounds shall be detailed in a written form by that staff person. That form shall be presented to the Court at 8:30 AM on the next judicial day, for review and action as deemed appropriate.~~

~~(3) **Grounds for Detention.** A juvenile shall not be admitted to or detained at the Youth Service Center unless the conditions specified in RCW 13.40.040 are met~~

~~(4) **Judicial Consultation Regarding Admission.** When a law enforcement agency requests that a juvenile be held and the screening officer disagrees with that request, the screening officer shall consult with the on-call Judge who shall make the final determination. The screening officer may also consult with the on-call Judge in any case.~~

~~(5) **Presentation of Order to Release Juvenile in Detention.** At a detention review, a Judge may enter an order to authorize a juvenile probation counselor to present an ex parte order to release a juvenile from detention. The signature of the juvenile offender acknowledging any conditions of release must be on the presented order. The signature of defense counsel or the prosecutor is not required unless specifically ordered by the Judge, or if requested by counsel at the initial detention review hearing.~~

~~[Former LJuCR 7.4 renumbered and amended effective September 1, 1983; amended effective January 1, 2002.]~~

## **LJuCR 7.4 DETENTION HEARING**

~~(e) **Bail.** If bail is authorized by the Court, it shall be posted with the Clerk or the Department of Youth Services. Prior to release, the juvenile shall be advised of the next hearing date, any other conditions of release, and that failure to appear may result in bail forfeiture and prosecution for bail jumping.~~

~~[Added effective September 1, 1983.]~~

## **LJuCR 7.11. ADJUDICATORY HEARING—~~JUVENILE OFFENSE PROCEEDINGS--~~** **INADMISSIBILITY OF STATEMENTS MADE TO JUVENILE PROBATION** **COUNSELOR**

(b) *Evidence.* ~~When a case is set for fact finding,~~ any ~~W~~written reports by the juvenile probation ~~counselor officer~~ prepared for the purpose of disposition ~~on that case disposition purposes~~ shall not be inspected by the Court prior to entry of a finding. ~~an admission or adjudication if the facts are to be contested.~~ The juvenile probation ~~officer-counselor~~ shall not testify at a fact finding hearing as to any facts disclosed or discovered in the course of the social investigation without the juvenile's permission.

[Amended effective September 1, 1983, September 1, 2012.]

## **LJuCR 7.12. PLEA AND DISPOSITION HEARING**

(a) A plea and disposition hearing shall be set not more than ~~three~~ two weeks after the date of the case setting hearing if the juvenile is out of custody or ~~one two~~ weeks after the case setting hearing if the juvenile is detained, except that: if the disposition would result in a commitment to the Juvenile Rehabilitation Administration or if the disposition is for a youth who sexually offended, , disposition shall be set three weeks after case setting if the juvenile is out of custody ,or two weeks, if the juvenile is detained. When required by good cause, the Court may extend or contract these time limits.

(b) Probation ~~officers-counselors~~ shall provide the court, the prosecutor and defense counsel with a copy of their written disposition ~~recommendation at least two days prior to the disposition hearing no later than noon the day before the scheduled disposition hearing.~~

(c) If either party or the juvenile probation counselor is seeking a manifest injustice disposition, the materials in support of such disposition shall be provided to the court, the non-moving party(ies) and the juvenile probation officer-counselor, no later than three working days prior to the scheduled disposition hearing. ~~(e) Working copies of all written material to be considered by the Court at the disposition hearing shall be submitted to the Court by noon on the next court day prior to the hearing. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.~~

[Amended September 1, 1981; amended effective September 1, 1983; June 1, 2009, September 1, 2012.]

## **LJuCR 7.14. MOTIONS--JUVENILE OFFENSE PROCEEDINGS**

(a) *Generally.* All motions, including motions to suppress evidence, motions regarding admissions, and other motions requiring testimony, shall be heard at the time of trial unless otherwise set by the Court. Motions to suppress pursuant to CrR 3.6 and to dismiss (other than for failure of a witness to appear for fact finding) shall be served on all parties and filed with the Court coordinator, together with a brief which shall include a summary of the facts upon which the motions are based, not later than five days before the adjudicatory hearing. Reply Response briefs shall be served and filed with the Court coordinator not later than noon of the court day before the date set for hearing.

(b) *To Dismiss for Delay in Referral of Offense.* The Court may dismiss an information if it is established that there has been an unreasonable delay in referral of the offense by the police to the prosecutor and respondent has been prejudiced. For purposes of this rule, a delay of more than two weeks from the date of completion of the police investigation of the offense to the time of receipt of the referral by the prosecutor shall be deemed prima facie evidence of an unreasonable delay. Upon a prima facie showing of unreasonable delay the Court shall then determine whether or not dismissal or other appropriate sanction will be imposed. Among those factors otherwise considered the Court shall consider the following: (1) the length of the delay; (2) the reason for the delay; (3) the impact of the delay on the ability to defend against the charge; and (4) the seriousness of the alleged offense. Unreasonable delay shall constitute an affirmative defense which must be raised by motion not less than one week before trial. Such motion may be considered by affidavit.

[Amended effective September 1, 1983; September 1, 2001, September 1, 2012.]

### **LJuCR 7.16. Motions to Seal Conviction, for Restoration of Firearm Rights and for Relief from Sex Registration Requirements**

Motions to seal juvenile convictions, for restoration of the right to possess a firearm flowing from a juvenile conviction and for relief from the duty to register as a sex offender following conviction of a juvenile offense shall be filed in the Juvenile Division of King County Superior Court. The court will maintain, on its website, appropriate forms and procedures at [www.kingcounty.gov/sites/courts/Juvenilecourt](http://www.kingcounty.gov/sites/courts/Juvenilecourt). For restoration of the right to possess a firearm stemming from an adult conviction, See Local Rule 40(b)(17)

Adopted effective September 1, 2012

### **LJuCR 9.3. RIGHT TO APPOINTMENT OF EXPERTS IN JUVENILE OFFENSE PROCEEDINGS**

(c) Services Other Than Counsel. Pursuant to the authority under CrR 3.1(f) and JuCR 9.3, all requests and approval for expert services expenditures are hereby delegated to the King County Office of the Public Defense (OPD). Upon finding that investigative, expert or other services are necessary to an adequate defense and that respondent is financially unable to obtain them, the OPD shall authorize the services. Where services are denied in whole or in part, the respondent may move for de novo review to the Chief Juvenile Court Judge. Should respondent

seek an order sealing the moving paper or a protective order, respondent shall present, along with the moving papers, a motion and proposed order sealing and/or a proposed protective order to OPD. OPD shall submit the motion to seal and proposed order with the moving papers regarding request for expert services and OPD's order on the motion for expert services to the Chief Juvenile Court Judge.

Adopted effective September 1, 2012